GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MINES & MINERALS – Review of Sand Policy in the State – Substitution of Rule 9-B of APMMC Rules, 1966 for implementing the stringent measures for illegal quarrying/transportation of sand – Orders - Issued.

INDUSTRIES AND COMMERCE (MINES-II) DEPARTMENT

G.O.Ms.No.35 Dated: 14-03-2016.

Read the following:

Ref:-1) G.O,Ms.No.19, Ind. & Com (Mines-II) Dept., Dt:15.01.2016.
2) G.O,Ms.No.20, Ind. & Com (Mines-II) Dept., Dt:15.01.2016.
3) G.O,Ms.No.21, Ind. & Com (Mines-II) Dept., Dt: 19.01.2016.
4) G.O,Ms.No. 24, Ind. & Com (Mines-II) Dept., Dt: 29.01.2016.
5) G.O,Ms.No. 29, Ind. & Com (Mines-II) Dept., Dt: 20.02.2016.
6) G.O,Ms.No. 30, Ind. & Com (Mines-II) Dept., Dt: 22.02.2016.

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O R D E R:-

The Government reviewed the status of Sand Policy in the State and hereby decide to substitute the Rule 9-B of AP Minor Mineral Concession Rules, 1966.

2) Accordingly, the following Notification shall be published in the extra-ordinary issue of the Andhra Pradesh Gazette, dt.14.03.2016.

NOTIFICATION

In supersession of the orders issued in G.O.Ms.Nos.19 & 20, Ind. & Com. (M.II) Dept., Dt.15.01.2016 and amendments made thereon from time to time and in exercise of the powers conferred in it under Sections 21 (2), 22, 23 and 23(c) of MMDR Act 1957, the State Government hereby substitute the Rule 9-B of Andhra Pradesh Minor Mineral Concession Rules 1966, regarding measures to be taken against the persons, who are involved in illegal/un-authorized excavation in prohibited areas, trading and selling of sand, Charging beyond cost of transportation and excavation, usage of machinery and vehicles involving in un-authorized excavation and transportation of sand to border States.

2. For the Rule 9-B of Andhra Pradesh Minor Mineral Concession Rules 1966, the following shall be substituted.

"9-B (1) In the case of the vehicles engaged in illegal / unauthorized excavation in the prohibited areas (i.e with in 500 mts from the Groundwater structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State, shall be penalized as follows:

Vehicle Type	Punishment for the offence
Tractor	Penalty of Rs.1,00,000/- and confiscation of the vehicle and Imprisonment of vehicle operator as well as owner for upto two years.
Lorry upto 10 Tons Capacity	
Lorry above 10 Tons Capacity	

(2) Whenever any person extracts sand or has extracted sand in the areas other than those notified for lawful excavation, the officer authorized in this behalf by the District Collector and District Magistrate shall assess such quantity of sand and levy and collect @ Rs.2,000/- per cubic metre of sand or Rs.2.00 lakhs whichever is higher, as penalty. This is in addition to the penalties described above.

(3) If any stocking of more than the required quantity of sand for construction purposes is found, such stocks of sand shall be seized by the officer authorized in this behalf by the District Collector and District Magistrate. Such seized sand stocks shall be allotted for any Government works. The person responsible for such illegal stocks of sand shall be punishable with imprisonment up to 2 years and a fine of Rupees Two Lakh.

(4) If a person or groups or entity monopolizes sand reaches, prevents others from accessing the sand reach, such offences shall be treated as cognizable offence under section 379 of CrPC and shall be punishable with imprisonment of up to two years and fine of Rupees Two Lakhs.

(5) If a person or groups or entity utilises sand for filling purpose or any purpose other than in mortar for construction, such offences shall be treated as cognizable offence under section 379 of CrPC and shall be punishable with imprisonment of up to two years and fine of Rupees Two Lakhs.

(6) The DM&G shall maintain a website for the purposes of receiving complaints from the public of any violations of rules committed by any person. The website shall also maintain a list of vehicles with their rates of transportation.

(7) An authorized officer who seizes any vehicle / machinery shall order for confiscation of the vehicle so seized and present before the competent authority i.e., District Collector & District Magistrate, who shall dispose the vehicle/machinery in e-auction.

(8) No order of confiscation of any vehicle / machinery shall be made unless the person from whom the vehicle / machinery is seized is given:

a) A notice in writing at the address provided in the records of the Transport Dept.

b) An opportunity of making a representation in writing and in person within 7 days from the date of service of notice.

(9) An officer who seizes any vehicle/machinery where he makes a report of such seizure to the competent authority shall take steps to secure the property.

(10) The vehicle/machinery seized shall be kept in the custody of Station House Officer/Motor Vehicle Inspector concerned until an order of the Competent authority directing its disposal is received.

(11) The Collector and District Magistrate is authorized to designate the Officers to exercise the powers mentioned in the Sub-rules (1) to (10) above.

3. All the Collectors & District Magistrates/Commissioners of Police /Superintendents of Police / Director of Mines & Geology/CEO, SERP / Director General of Police, A.P., Hyderabad shall take necessary action, scrupulously.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

M. GIRIJA SHANKAR
SECRETARY TO GOVERNMENT (M&G AND FP) (FAC)

To
The Commissioner of Printing, Stationery & Stores Purchases (Printing Wing), Andhra Pradesh, Hyderabad. (He is requested to publish the above Notification in the Extra Ordinary issue of A.P. Gazette, with immediate effect and arrange to send 500 copies of the same to the Government in Industries & Commerce (M.II) Department.
The Director General of Police , A.P., Hyderabad.
The Director of Mines & Geology, A.P., Hyderabad.
All the Collectors & Dist. Magistrates in the State of A.P.
All the Superintendents of Police in the State.
All the Commissioners of Police in the State.
The Chief Executive Officer, SERP, A.P., Hyderabad.
All JDs/DDs/Ads of Mines & Geology Department in the State through the DMG, AP, Hyd.
The Water Resource Department / Home Department / T.R. & B. Dept. / P.R. & R.D/ Revenue Departments.
Copy to: All Departments in AP Secretariat.
The PS to Secy. (Mines), I&C Dept.
The PS to M(M&G)
The PS to CS
The PS to Secy. to CM
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER